

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

Special

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held

Monday, February 2

20

09

CALL TO ORDER:

1. The special council meeting was called to order Monday, February 2, 2009 following the Committee of the Whole meeting by President of Council Daryl Revoldt.

ROLL CALL:

2. Mr. Revoldt: Clerk, if you would please call the – call - call the roll.

The following members of Council responded to roll call: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt and Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Zumbar, City Engineer Benekos, Director of Economic Development Bowles, Police Chief Grimes, Lieutenant Wurgler and Clerk of Council Kalpac.

Mr. Revoldt: Before we begin, Law Director.

Mr. McFarren: Mr. President, it is my opinion that Councilman Foltz and Councilman DeOrio are disqualified from participation, discussion and voting in certain issues. In consultation with Council Members Foltz and DeOrio and with their understanding and cooperation, their decision to abstain is intended to avoid even the appearance of impropriety. Their cooperation in this matter is appreciated and I hope this is accepted in the spirit in which it is offered.

3. Mr. Revoldt: Alright, very good. We have for our first – first item on the agenda item 3 a motion to read by title only third reading Ordinance No. 13-09.

Mr. Davies moved and Mrs. Kiesling seconded to **read by title only, third reading** of Ordinance No. 13-09. All members present voting:

Mrs. Kalpac: DeOrio.

Mr. Revoldt: He is...

Mr. Zumbar: Abstains, he can't even participate.

Mr. Revoldt: He...

Mrs. Kalpac: Oh, okay.

Mr. Davies: Well he can on this.

Mr. Revoldt: He cannot.

Mrs. Kiesling: No, this is the water agreement.

Mr. Davies: Oh no, he cannot. Never mind, never mind.

Yes: Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

No Response: DeOrio, Foltz.

Mr. Revoldt: Motion to adopt the third reading of Ordinance ... 13-09.

Mr. Davies: So moved.

Mr. Peters: Second.

Mr. Snyder: You've got to read it.

Mrs. Kiesling: Yeah, we need him to read it.

Mr. Revoldt: Yeah, go ahead and read it, I'm sorry.

Mrs. Kiesling: Read it, what the heck.

Mr. Revoldt: The freight train's moving

Ordinance No. 13-09 – 3rd Reading – Water, Sewer & Rubbish

An ordinance amending Section 935.08 Nonresident's Use of Water or Sanitary Sewer Service; Agreement of the Codified Ordinances of the City of North Canton and repealing any and all legislation inconsistent herewith.

Mr. Revoldt: Alright now we'll have a motion to adopt the third reading of Ordinance 13-09?

Mr. Davies moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 13-09.

All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

No Response: DeOrio, Foltz.

4. Mr. Revoldt: Have a motion to suspend the rules for Resolution 14-09.

Mr. Davies: So moved.

Mr. Peters: Second.

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Mrs. Kalpac: Wait a minute. We have to waive the rules of council requiring a committee report.

Mr. Revoldt: Suspend the rules of council. That's what I've done; I've suspended the rules of council requiring...

Mr. Zumbar: I thought we were done sweeping.
Unidentified: Committee.

Mr. Revoldt: a committee report for 14-09.

Mrs. Kiesling: So moved.

Mr. Revoldt: It's been moved and seconded.

Mr. Davies: Second.

Mrs. Kiesling moved and Mr. Davies seconded to **suspend the rules of council requiring a committee report** for Resolution No. 14-09. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, Kiesling.

No: 0

No Response: DeOrio, Foltz.

Mr. Revoldt: Now may I have a motion to read by title only first reading of Ordinance (Resolution) 14-09?

Mr. Davies moved and Mrs. Kiesling seconded to **read by title only, first reading** of Resolution No. 14-09. All members present voting:

Yes: Revoldt, Snyder, Davies, Kiesling, Peters.

No: 0

No Response: DeOrio, Foltz.

Resolution No. 14-09 – 1st Reading – Community & Economic Development

A Resolution stating what municipal services will be provided to 25.933 acres of land, more or less, known as being part of the Southeast quarter of Section 13 (Jackson Township), and the Southwest and Northwest Quarter of Section 18 (Plain Township), Township 11 Range 8, Stark County, Ohio, proposed to be annexed to the City of North Canton, in the event said territory is annexed to the City of North Canton, and declaring the same to be an emergency.

Mr. Revoldt: Any questions or comments? Mrs. Kiesling.
Mrs. Kiesling: Nope, none.

Mr. Revoldt: Council? Seeing none, then a motion to adopt the first reading of Ordinance (Resolution) No. 14-09.

Mr. Davies moved and Mrs. Kiesling seconded to **adopt the first reading** of Resolution No. 14-09. All members present voting:

Yes: Snyder, Davies, Kiesling, Peters, Revoldt.

No: 0

No Response: DeOrio, Foltz.

5. Mr. Revoldt: Moving on to Item 5, may I have a motion to suspend the rules requiring a committee report for Ordinance No. 15-09?

Mr. Davies moved and Mr. Peters seconded to **suspend the rules of council requiring a committee report** for Ordinance No. 15-09. All members present voting:

Yes: Davies, Kiesling, Peters, Revoldt, Snyder.

No: 0

No Response: DeOrio, Foltz.

Mr. Revoldt: We also have a motion then to amend Ordinance 15-09 as presented to change Section 709.023(C) to read Section 709.023 and to delete the second WHEREAS.

Mrs. Kalpac: No, no, no, just to delete the (C) after 7. – 709.023, just to take the (C) out.

Mr. Revoldt: That's correct and to delete the second WHEREAS.

Mrs. Kiesling: Really?

Mrs. Kalpac: No, no, the second WHEREAS - I'm sorry, did I have that in there?

Mr. Revoldt: Then the instructions are incorrect.

Mrs. Kalpac: I'm sorry.

Mr. Revoldt: Mrs. Kalpac. Alright, then I will take a motion to delete the (C) from sections, quote, "Section 709.023(C)" as it is presented in the ordinance in your packet.

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Mrs. Kiesling: So moved.

Mr. Revoldt: May I have a second?

Mr. Davies: Second

Mrs. Kiesling moved and Mr. Davies seconded to **amend Ordinance No. 15-09 to delete the (C) from Section 709.023 in the second WHEREAS.**

Mrs. Kalpac: Kiesling...

Mr. Revoldt: I - You are correct Mrs. Kalpac, I stand corrected. Thank you.

Mrs. Kalpac: Oh, that's okay.

Mr. Revoldt: You are correct.

All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

No Response: DeOrio, Foltz.

Mrs. Kiesling: She said Snyders.

Mr. Revoldt: Alright, now may I have a motion to read by title only, first reading Ordinance 15-09...

Mr. Peters: So moved.

Mrs. Kiesling: So moved. Second.

Mr. Davies: Second, third.

Mr. Revoldt: as amended?

Mrs. Kiesling: As amended.

Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 15-09, as amended. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, Kiesling.

No: 0

No Response: DeOrio, Foltz.

Ordinance No. 15-09 – 1st Reading – Community & Economic Development

An ordinance consenting to the proposed annexation of certain territory known as the Fosnaught Annexation containing 25.933 acres of land, more or less, in Jackson and Plain Township to the City of North Canton and declaring the same to be an emergency.

Mrs. Kiesling: And just what we spoke about earlier, just accepting it, the plat, when we get it all finished.

Mr. Revoldt: May I have a motion to adopt the first reading of Ordinance 15-09 as amended?

Mr. Davies moved and Mrs. Kiesling seconded to **adopt Ordinance No. 15-09, as amended.**

All members present voting:

Yes: Revoldt, Snyder, Davies, Kiesling, Peters.

No: 0

No Response: DeOrio, Foltz.

6. Mr. Revoldt: Item 6, may I have a motion to suspend the rules of council requiring a committee report for Ordinance 16-09?

Mr. Davies moved and Mr. Peters seconded to **suspend the rules of council requiring a committee report** for Ordinance No. 16-09. All members present voting:

Yes: Snyder, Davies, Kiesling, Peters, Revoldt.

No: 0

No Response: DeOrio, Foltz.

Mr. Revoldt: May I have a motion to read the first reading of Ordinance 16-09?

Mrs. Kiesling moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No 16-09. All members present voting:

Yes: Davies, Kiesling, Peters, Revoldt, Snyder.

No: 0

No Response: DeOrio, Foltz.

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Ordinance No. 16-09 – 1st Reading – Community & Economic Development

An ordinance to comply with Ohio Revised Code 709.023(C) regarding compatible and/or incompatible zoning uses, for the proposed annexation of the property known as the Fosnaught Annexation and declaring the same to be an emergency.

Mr. Revoldt: Mrs. Kiesling.

Mrs. Kiesling: Just as it's stated, we'll zone it as close as we possibly can and essentially amend our zoning laws.

Mr. Revoldt: May I have a motion to adopt the first reading of Ordinance 16-09?

Mr. Davies moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 16-09. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

No Response: DeOrio, Foltz.

7. Mr. Revoldt: May I have a motion to suspend the rules requiring a committee report for Ordinance (Resolution) 17-09?

Mrs. Kiesling moved and Mr. Davies seconded to **suspend the rules of council requiring a committee report** for Resolution No. 17-09.

Yes: Peters, Revoldt, Snyder, Davies, Kiesling.

No: 0

No Response: DeOrio, Foltz.

Mr. Revoldt: May I have a motion to read by title only first reading of ordinance – oh excuse me, Resolution 17-09?

Mrs. Kiesling moved and Mr. Davies seconded to **read by title only, first reading** of Resolution No. 17-09.

Yes: Revoldt, Snyder, Davies, Kiesling, Peters.

No: 0

No Response: DeOrio, Foltz.

Resolution No. 17-09 – 1st Reading – Community & Economic Development

A Resolution stating what municipal services will be provided to 25.933 acres of land, more or less, known as being part of the Southeast Quarter of Section 13 (Jackson Township), and the Southwest and Northwest Quarter of Section 18 (Plain Township), Township 11, Range 8, Stark County, Ohio, proposed to be annexed to the City of North Canton, in the event said territory is annexed to the City of North Canton, and declaring the same to be an emergency.

Mrs. Kiesling: Yes, this is for the regular annexation that we filed after we filed the Expedited 2.

Mr. Revoldt: Very good. Motion to adopt the...

Mr. Davies moved and Mrs. Kiesling seconded to **adopt the first reading** of Resolution No. 17-09. All members present voting:

Yes: Snyder, Davies, Kiesling, Peters, Revoldt.

No: 0

No Response: DeOrio, Foltz.

Mr. Revoldt: That concludes our legislative business this evening. Before we do adjourn and I take a motion, two items. The first is that the illiterate president of council cannot read the instructions that Mrs. Kaipac has prepared for him and duly apologizes for not carefully reading the instructions. It's his fault. Second, I'd like to make a brief statement to the press if I can. Tonight's legislation offers an opportunity for this city council and our neighbors to pause. For all parties however, we are at a defining moment. I'd hope that we could move tonight beyond the theater of local politics, to a serious businesslike conversation and like – I'd like to...extend to Jackson Township an invitation to reopen the conversation began with us – that began with us in June. If we have misunderstood the previously discussed contract or its terms, we would certainly welcome clarification. If not, we're prepared to move on. If there's another proposal, we'd happily consider it. We are prepared, as we have been, to discuss these matters in good faith. But I say this in all seriousness; whether we're on the radio or at *The Repository*, let's speak in a manner that's conducive to good negotiation. If we can't find common ground let it be...let it be because the issues themselves and not the personalities of those involved. Our respective constituents expect nothing less.

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ADJOURN:

Mr. Revoldt: And with that, I'll entertain a motion to adjourn.

Mr. Davies moved and Mrs. Kiesling seconded to **adjourn** the meeting.

All members present voting.

Yes: Davies, Kiesling, Peters, Revoldt, Snyder.

No: 0

No Response: DeOrio, Foltz.

Meeting adjourned at 8:08 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

2/4/09 ev